

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

AL EVERITT BOYETT, JR., #242 728 *
Plaintiff, *
v. * 2:05-CV-966-ID

ANTHONY CLARK, SHERIFF, *et al.*, *
Defendants. *

ORDER ON MOTION

Pending before the court is a Motion for Continuance filed by Plaintiff. (Doc. No. 20.) In support of his request, Plaintiff asserts that he is due to be released from custody in May 2006 and will attempt to obtain the assistance of counsel. To the extent Plaintiff's motion may be construed as a request that proceedings in this matter be stayed until his release, the court finds that the motion is due to be denied.

Plaintiff also files a Motion to Preserve the Right to Discovery under F.R.Civ.P. 26. (Doc. No. 20.) The record reflects that Defendants are under order to file a special report to the complaint, as amended, which is to include relevant affidavits, records, and rules, regulations, and/or guidelines in response to the allegations presented by Plaintiff in the instant complaint and amendment thereto. Consequently, the motion shall be denied at this time. The motion may be reconsidered if warranted by further developments in this case.

Accordingly, it is ORDERED that:

1. The Motion for Continuance, construed as a Motion to Stay Proceedings (Doc. No. 20), is DENIED; and
2. The Motion to Preserve Right to Discovery Under F.R.Civ.P. 26 (Doc. No. 20), is DENIED at this time.

Done this 13th day of February, 2006.

/s/Charles S. Coody

CHARLES S. COODY
CHIEF UNITED STATES MAGISTRATE JUDGE